

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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 INTELLECTUAL PROPERTY LAW  
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## FACSIMILE COVER SHEET

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**OFFICIAL**  
 2857
Deliver to: Carol S.W. Tsai, USPTOArt Group: 2857Facsimile No.: (703) 308-7382 or 703/872-9306Date: June 3, 2004From: Walter T. Kim, Reg. No. 42,731Our Docket No.: 42390P8659Number of pages 12 including this sheet.Application No.: 09/607,254Filing Date: 6/30/2000Docket Due Date(s): 6/4/2004

Enclosed are the following documents:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>8</u> pgs)       | <input type="checkbox"/> Issue Fee Transmittal                                     |
| <input type="checkbox"/> Appeal Brief (in triplicate) ( <u>    </u> pgs)                | <input type="checkbox"/> Notice of Appeal  |
| <input type="checkbox"/> Application: <u>                                    </u>       | <input type="checkbox"/> Petition for: <u>                                    </u> |
| ( <u>    </u> pgs) w/cover & abstract)  | <input type="checkbox"/> Request for Continued Examination (RCE)                   |
| <input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)                    | <input type="checkbox"/> Reply Brief ( <u>    </u> pgs)                            |
| <input type="checkbox"/> Certificate of <u>                                    </u>     | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)      |
| <input type="checkbox"/> Continued Prosecution Application (CPA)                        | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request        |
| <input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)                           | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter  |
| <input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures              | <input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)            |
| <input type="checkbox"/> Extension of Time: <u>                                    </u> | <input type="checkbox"/> Terminal Disclaimer                                       |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate)                      | <input type="checkbox"/> Transmittal of Publication Fee Due                        |
| <input type="checkbox"/> IDS & PTO/SB/08 ( <u>    </u> pgs)                             | <input checked="" type="checkbox"/> Transmittal Letter                             |
| <input type="checkbox"/> Other <u>                                    </u>              |  |

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Marilyn Bass  
 Marilyn Bass

06/3/2004

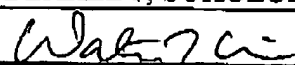
Date

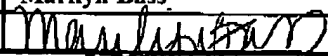
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/607,254
		Filing Date	June 30, 2000
		First Named Inventor	Robert P. Knight
		Art Unit	2857
		Examiner Name	Carol S.W. Tsai
Total Number of Pages in This Submission	11	Attorney Docket Number	42390P8659

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Return receipt postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Walter T. Kim, Reg. No. 42,731 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	June 3, 2004

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that on the date shown below this correspondence is being transmitted via facsimile to the USPTO and that this correspondence is being deposited with the USPS with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Marilyn Bass		
Signature		Date	June 3, 2004

Based on PTO/SB/21 (02-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL  
for FY 2004**

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$)**Complete if Known**

Application Number	09/607,254
Filing Date	June 30, 2000
First Named Inventor	Robert P. Knight
Examiner Name	Carol S.W. Tsai
Art Unit	2857
Attorney Docket No.	42390P8639

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None  
☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					(\$)

**2. EXTRA CLAIM FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	96	2204	48	*Reissue independent claims over original patent	
1205	18	2205	9	*Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					(\$)

\*or number previously paid, if greater, For Reissues, see below

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920 *	1804	920 *	* Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	* Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	880	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
6021	40	6021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1910	770	2910	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$)

**SUBMITTED BY**

Name (Print/Type)	Walter T. Kim	Registration No. (Attorney/Agent)	42,731	Telephone	(310) 207-3800
Signature			Date	06/03/04	

Complete (if applicable)

Based on PTO/5B/17 (10-02) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL  
for FY 2004**

Effective 01/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	09/607,254
Filing Date	June 30, 2000
First Named Inventor	Robert P. Knight
Examiner Name	Carol S.W. Tsai
Art Unit	2857
Attorney Docket No.	42390P8659

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None  
☒ Deposit Account

Deposit Account Number 02-2666

Deposit Account Name Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
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**FEE CALCULATION****1. BASIC FILING FEE**

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1002	310	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1006	180	2006	90	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES**

Total Claims  - 25<sup>\*\*</sup> =  X  =   
 Independent Claims  - 3 =  X  =   
 Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	43	Independent claims in excess of 3	
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1204	88	2204	43	**Reissue independent claims over original patent	
1206	18	2206	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*or number previously paid, if greater, For Reissues, see below

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
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1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.125(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.125(b))	
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1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$)

**SUBMITTED BY**

Name (Print/Type) Walter T. Kim

Registration No. (Attorney/Agent)

42,731

Telephone

(310) 207-3800

Signature

W. Kim

Date

06/03/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 02/10/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Attorney Docket No. 42390.P8659

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of:

Robert P. Knight

Serial No. 09/607,254

Filed: June 30, 2000

**For: METHOD AND APPARATUS FOR  
CONFIGURING AND COLLECTING  
PERFORMANCE COUNTER DATA**

Examiner: Carol S.W. Tsai

Art Unit: 2857

**RECEIVED  
CENTRAL FAX CENTER****JUN 03 2004****OFFICIAL****AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Advisory Action of May 18, 2004 and the Final Office Action of March 4, 2004, Applicant respectfully requests entry of the following amendments.